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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/681,815	Applicant(s) LEFKOWITH, DAVID	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 have been examined.

Response to Amendment

2. The Appeal Brief filed on 9/12/05 is sufficient to overcome the prior rejection. A new Non-Final Rejection has been made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 states, "the customer with a customer identification badge containing a plurality of customer information". This feature is unclear. It is not clear if the claim is meant to be read "[providing] the customer with a customer identification badge" or "providing an automobile. . and the customer with a customer identification badge". However, as the claim is currently written it is unclear and necessitates correction.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-3, 6-10, 13-15, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626).

Claim 1, 2, 13, 14: Kanter discloses a method, system for providing rebates to automobile owners based on purchases made at participating retailer locations, the method comprising:

selling an item to a customer (col 16, lines 42-52) wherein the customer is provided with a customer identification badge containing a plurality of customer information (col 20, lines 50-57; col 17, lines 53-63); retrieving the customer information stored within the customer identification badge at a point of sale (col 16, lines 42-52);

transmitting point of sale purchase information and the customer information to a rebate processing center remote from the point of sale (Fig. 1; col 16, lines 42-52; col 19, lines 18-22); and providing a rebate to the customer wherein the rebate is calculated based on the purchase information (col 16, lines 42-52).

Kanter does not explicitly disclose that the identification card is given to the user when the user is sold an automobile.

Additionally, Kanter discloses that awards can be set as valid or invalid:

“(79) (ii) to provide an incentive program which allows a sponsoring company to designate certain items of merchandise or certain services as valid or invalid toward posting awards and/or as valid or invalid for redemption of awards” (col 15, lines 30-35).

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Examiner notes that the Applicant Specification (2002/0188501) discloses a variety of forms for the "customer identification badge" including credit card like forms:

"[0017] Notably, the CIB may take several physical forms well known in the general field of customer identification and portable data storage devices. For example, the customer identification badge may comprise a magnetically encoded "credit card" type device. As is well known in the art of encoding/decoding magnetic tapes and the like, the automobile dealer 202 (FIG. 2) may employ an encoding device 208 to magnetically encode the badge information onto the CIB 210".

In regards to the Applicant's claimed features "the rebate comprises a checked mailed to the customer at quarterly annual time intervals", Kanter renders these features obvious.

Kanter discloses

"Under control of the operational program several tasks are accomplished accordingly, including, creating subdirectories for a single participant account so as to selectively associate the single account subdirectories with multiple sponsoring company accounts and deciphering such accordingly at points of sale, calculating, posting, and/or issuing discounts, raffle entries, store-credit returns, points, cash values, bill values, in accordance with performance of participants (72, 74), while sending results immediately and/or periodically to appropriate destinations, which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants, participant sponsors in a pyramidal-type structure, sponsoring companies, sponsoring companies' sponsors in a pyramidal-type structure, raffle sponsors, and redeemed at appropriate locations which may include, sponsoring company, participant, beneficiary, or financial institution bank accounts (52, 54, 82, 84, 94), sponsoring company locations (14, 16),

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designated sponsoring company award output devices (36), participants' households, beneficiaries' locations, and cash dispensing machines, and received in the appropriate forms, which may include, designated sponsoring company merchandise, wire transfer, check, cash, coupon, certificate, charge card balance reductions, travel tour, or catalog merchandise” (Abstract).

Note that Kanter discloses “issuing discounts, cash values. . .immediately and/or periodically. . .to appropriate destinations. . .participant’s households. . .in the appropriate forms, which may include. . .wire transfer, check, cash coupon certificate. . .”.

Hence, it would be obvious to Kanter that the rebate comprises a check mailed to the customer at quarterly annual time intervals. One would be motivated to do this in order to provide the incentive to the user in a form and manner convenient and of interest to the user.

The following citations concern these features from the Applicant’s claims:

“providing a rebate to the customer wherein the rebate is calculated based on the purchase price and wherein the *customer identification badge expires* after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile;

the customer badge is updated to reflect that the customer continues to possess the automobile”.

Examiner further notes that, as Applicant recognized in Applicant’s past amendment, Kanter discloses entering a participant's account number that may be encoded in a magnetic strip or a plastic card and a procedure for becoming a participant with a sponsoring company." And, the online Merriam-Webster dictionary at www.m-w.com defines 'badge' as '1 : a device or token especially of membership in a society or group.' Hence, Kanter's encoded card with user

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specific information that identifies the user as a member and also contains other information is prior art against the Applicant's badge with a plurality of customer information. Also, please note the Applicant's own specification, cited above, which states how the badge may take many forms including an identification card form.

Also, Kanter discloses the utilization of cards :

“which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants (Abstract);

(12) Another method used by merchants to assist sales of their goods or services, has been the installation of incentive programs. Incentive companies have been hired in the past to install such programs. The incentive program usually entails a participant carrying a card or bearing an identification number. This card or identification number is used to keep track of a participant's transaction. With the program, participants present their cards or identification numbers when making purchases” (col 4, lines 39-47).

Kanter discloses the utilization of rebates:

“(37) (b) to provide an incentive program which can act as an advertising campaign for program sponsoring companies and which further reduces the need for coupon printing and collecting as participants can have rebates automatically applied to their accounts” (col 12, lines 55-60).

Kanter further discloses providing benefits to the user based on users' purchases:

“[Claim] 14. In a system for a credit card type incentive program wherein individual program participants having credit approval can earn awards based on their own respective purchases”.

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Kanter further discloses that the user can purchase and own a car or automobile and also the offering of discounts or rebates (col 11, lines 30-35).

Kanter further discloses tracking user(s) activity and targeting user(s) (col 1, lines 24-30; col 4, lines 43-46).

Kanter does not explicitly disclose the providing a membership to a user at time of acquiring an automobile.

However, DeWolf (2002/0032626) discloses tracking ownership of an asset or item:

“[0005] Different industries frequently use different procedures for creating asset inventories (e.g., asset management databases). In the insurance industry, an asset owner wishing to insure that asset must typically complete a variety of forms and present related documents to prove ownership of the asset and to identify the asset as a unique entity. Additional legal documents may be required to authenticate the status or value of the asset, such as surveys, titles, deeds, and appraisals. In corporate record keeping, assets are typically entered manually into an asset database, which can range from a stand-alone system to a networked database”.

DeWolf further discloses that the user can be tracked as an owner of an automobile and that the user can be provided services for a time period associated with the user being a confirmed owner of a vehicle:

“[0114] In one embodiment, the manufacturer or dealer (e.g. GM) would offer this service for free. The auto buyer would be provided with a complete record of the origin and creation of the asset and the access to recording of subsequent relevant incidents during the life of the vehicle. Such incidents include manufacturer issued updates and recalls, dealer

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scheduled service, accidents and repairs, insurance claims, satisfaction of liens, involvement in criminal activity, transfer of ownership, etc. The owner would be responsible, along with vehicle's other co-interested parties such as insurance, finance, law enforcement agencies, etc. for accessing and updating the vehicle's record. This could be a free or fee for service. It could be offered for a specific time period (e.g. duration that auto is under warranty or service contract) or offered indefinitely to a purchaser as a free service or for some consideration from the purchaser/owner. The vehicle registry service could be transferable or non-transferable (e.g. to a subsequent owner) depending on the interests of the registry service provider”.

DeWolf further discloses that owners of a vehicle can have an owner identifying card and that the owners may be provided a variety of benefits while the user is an identified owner of the vehicle:

“[0115] In one embodiment, owners of the vehicle could be entered to maintain the vehicle record or to use certain maintenance/repair facilities that had access to and would update the vehicle record. For example, the owners may be offered a credit, discounts, reward points, etc. In another embodiment, if the owner used a particular credit card (i.e., issued by Ford or GM) the update of the vehicle record could be automatic”.

DeWolf further discloses that the user can be identified with cards:

“[Claim] 33. The method of claim 32, wherein the transaction may involve credit cards, debit cards, or other consumer credit systems.

[Claim] 34. The method of claim 32, wherein the transaction may involve new or future methods such as though that may rely on digital wallets, smart cards or other

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embedded technologies”.

DeWolf discloses that an asset record of what the user owns can be maintained at time of transaction via a smart card:

“[0109] In one embodiment, the vehicle asset record is transferred from the manufacturer or dealer to the buyer or other party. The transfer of the asset record can be done in numerous ways. In one embodiment, the asset record is transferred via a digital medium, such as, floppy disk, zip disk, tape drive, CD, DVD, smart card, etc. In a preferred embodiment, the asset record is transferred over a computer network, such as the Internet. Using the Internet allows the manufacturer or dealer to make the vehicle asset record available to customers or other interested parties even if they are remotely located”.

DeWolf further discloses targeting users based on user activity (0006, 0043).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that DeWolf's providing the user with benefits related to purchasing such as discounts and credits to the user while the user demonstrates ownership of an asset, such as an automobile, and utilization of identifying cards can be added to Kanter's user identifying cards and providing benefits such as rebates related to purchasing of items, which can be an automobile, such that the user now owns the item. One would have been motivated to do this in order to better track and target a user and in order to better incite certain actions in a user(s).

Claim 3, 15: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the customer identification badge comprises a magnetically encoded wallet card (col 17, lines 53-60).

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Claim 6: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the rebate comprises a check mailed to the customer at quarterly annual time intervals (col 16, lines 47-52; col 25, lines 5-15). Furthermore, since Kanter states that any periodic time period, such as a month, is possible, it would be obvious that the time period can be quarterly. Quarterly payments are a convenient option to some users.

Claim 7, 18: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the rebate is electronically deposited into a bank account specified by the customer (col 16, lines 47-52).

Claim 8, 19: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the purchase information comprises a rebate amount that a participating retailer is willing to pay (col 16, lines 43-65; col 17, lines 60-63).

Claim 9, 20: Kanter and DeWolf disclose the method of claim 1, and Kanter further discloses that the retailer provides payment to the rebate processing center to pay for the rebate (Fig. 1; col 19, lines 55-col 20, line 19).

Claim 10, 21: Kanter and DeWolf disclose the method of claim 1. Kanter further discloses transmitting the customer information from the sponsoring company/ place where user became a member to the rebate processing center (Fig. 1; item 79).

5. Claims 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626) in view of Ovadia (5,612,527).

Claim 4, 16: Kanter and DeWolf disclose the method of claim 1. Kanter does not explicitly disclose that the customer identification badge comprises a bar code.

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However, Ovadia discloses utilizing automobile related identification cards at time of purchase and also the utilization of bar codes and magnetic striping (col 6, lines 10-20).

Ovadia further discloses that the customer identification badge comprises a bar code (col 2, lines 15-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Ovadia's customer identification badge with bar code to Kanter's customer identification badge with identification code. One would have been motivated to do this in order to provide a convenient way of identifying the user.

6. Claims 5, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626) in view of Bricauld (6,149,466).

Claim 5, 17: Kanter and DeWolf disclose the method of claim 1. Kanter does not explicitly disclose that the customer identification badge comprises a persistent memory module having input and output capabilities wherein the module is attached to the automobile.

Kanter further discloses a sponsor providing a wide range of services and that the sponsor can operate in a wide variety of locations (Fig. 1; col 4, lines 39-41).

However, Bricauld (6,149,466) discloses a smartcard whereby the smartcard is attached to the automobile and there is also a module in the automobile for attaching the smartcard too and the smartcard can be utilized for services in the automobile (col 1, lines 17-25; col 1, lines 10-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Bricauld's card that can be utilized in an automobile to Kanter's

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card that can be utilized in a wide variety of locations. One would have been motivated to do this in order to allow flexible utilization of the card.

7. Claims 11, 12, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanter (5,537,314) in view of DeWolf (2002/0032626) in view of Schilling (5,359,182).

Claim 11, 12, 22, 23: Kanter and DeWolf disclose the method of claim 1. Kanter does not explicitly disclose that the automobile is leased or rented to the customer.

However, Schilling discloses the utilization of cards and that automobiles can be rented or leased (Fig. 1; Fig. 2; col 11, lines 21-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add automobile renting or leasing to Kanter's sponsoring company. One would have been motivated to do this in order to utilize the full services of an automobile dealership such as selling, renting, and leasing automobiles.

Response to Arguments

8. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Also, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And, Examiner notes that claims are

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given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000).

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner notes that Applicant's Appeal Brief filed 9/12/2005 stated the following features as being absent from the prior art:

“providing a rebate to the customer wherein the rebate is calculated based on the purchase price and wherein the *customer identification badge expires* after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile (page 5);

the customer badge is updated to reflect that the customer continues to possess the automobile (page 6);

the rebate comprises a check mailed to the customer at quarterly annual time intervals”.
(Page 6).

Please also note that the additional citations added below have also been added to the rejection above.

Examiner notes that the Applicant Specification (2002/0188501) discloses a variety of forms for the “customer identification badge” including credit card like forms:

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“[0017] Notably, the CIB may take several physical forms well known in the general field of customer identification and portable data storage devices. For example, the customer identification badge may comprise a magnetically encoded "credit card" type device. As is well known in the art of encoding/decoding magnetic tapes and the like, the automobile dealer 202 (FIG. 2) may employ an encoding device 208 to magnetically encode the badge information onto the CIB 210”.

In regards to the Applicant's claimed features "the rebate comprises a checked mailed to the customer at quarterly annual time intervals", Kanter renders these features obvious.

Kanter discloses:

“Under control of the operational program several tasks are accomplished accordingly, including, creating subdirectories for a single participant account so as to selectively associate the single account subdirectories with multiple sponsoring company accounts and deciphering such accordingly at points of sale, calculating, posting, and/or issuing discounts, raffle entries, store-credit returns, points, cash values, bill values, in accordance with performance of participants (72, 74), while sending results immediately and/or periodically to appropriate destinations, which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants, participant sponsors in a pyramidal-type structure, sponsoring companies, sponsoring companies' sponsors in a pyramidal-type structure, raffle sponsors, and redeemed at appropriate locations which may include, sponsoring company, participant, beneficiary, or financial institution bank accounts (52, 54, 82, 84, 94), sponsoring company locations (14, 16), designated sponsoring company award output devices (36), participants' households,

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beneficiaries' locations, and cash dispensing machines, and received in the appropriate forms, which may include, designated sponsoring company merchandise, wire transfer, check, cash, coupon, certificate, charge card balance reductions, travel tour, or catalog merchandise” (Abstract).

Note that Kanter discloses “issuing discounts, cash values. . .immediately and/or periodically. . .to appropriate destinations. . .participant’s households. . .in the appropriate forms, which may include. . .wire transfer, check, cash coupon certificate. . .”.

Hence, it would be obvious to Kanter that the rebate comprises a checked mailed to the customer at quarterly annual time intervals. One would be motivated to do this in order to provide the incentive to the user in a form and manner convenient and of interest to the user.

The following Response to Arguments concerns these features from the Applicant’s claims:

“providing a rebate to the customer wherein the rebate is calculated based on the purchase price and wherein the *customer identification badge expires* after a predetermined time interval if the customer does not verify that he or she continues to possess the automobile;

the customer badge is updated to reflect that the customer continues to possess the automobile”.

Examiner further notes that, as Applicant recognized in Applicant’s past amendment, Kanter discloses entering a participant's account number that may be encoded in a magnetic strip or a plastic card and a procedure for becoming a participant with a sponsoring company." And, the online Merriam-Webster dictionary at www.m-w.com defines 'badge' as '1 : a device or token especially of membership in a society or group.' Hence, Kanter's encoded card with user

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specific information that identifies the user as a member and also contains other information is prior art against the Applicant's badge with a plurality of customer information. Also, please note the Applicant's own specification, cited above, which states how the badge may take many forms including an identification card form.

Also, Kanter discloses the utilization of cards :

“which may include computer memory and/or bank accounts and/or plastic cards on behalf of participants (Abstract);

(12) Another method used by merchants to assist sales of their goods or services, has been the installation of incentive programs. Incentive companies have been hired in the past to install such programs. The incentive program usually entails a participant carrying a card or bearing an identification number. This card or identification number is used to keep track of a participant's transaction. With the program, participants present their cards or identification numbers when making purchases” (col 4, lines 39-47).

Kanter discloses the utilization of rebates:

“(37) (b) to provide an incentive program which can act as an advertising campaign for program sponsoring companies and which further reduces the need for coupon printing and collecting as participants can have rebates automatically applied to their accounts” (col 12, lines 55-60).

Kanter further discloses providing benefits to the user based on users' purchases:

“[Claim] 14. In a system for a credit card type incentive program wherein individual program participants having credit approval can earn awards based on their own respective purchases”.

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Kanter further discloses that the user can purchase and own a car or automobile and also the offering of discounts or rebates (col 11, lines 30-35).

Kanter further discloses tracking user(s) activity and targeting user(s) (col 1, lines 24-30; col 4, lines 43-46).

Kanter does not explicitly disclose the providing a membership to a user at time of acquiring an automobile.

However, DeWolf (2002/0032626) discloses tracking ownership of an asset or item:

“[0005] Different industries frequently use different procedures for creating asset inventories (e.g., asset management databases). In the insurance industry, an asset owner wishing to insure that asset must typically complete a variety of forms and present related documents to prove ownership of the asset and to identify the asset as a unique entity. Additional legal documents may be required to authenticate the status or value of the asset, such as surveys, titles, deeds, and appraisals. In corporate record keeping, assets are typically entered manually into an asset database, which can range from a stand-alone system to a networked database”.

DeWolf further discloses that the user can be tracked as an owner of an automobile and that the user can be provided services for a time period associated with the user being a confirmed owner of a vehicle:

“[0114] In one embodiment, the manufacturer or dealer (e.g. GM) would offer this service for free. The auto buyer would be provided with a complete record of the origin and creation of the asset and the access to recording of subsequent relevant incidents during the life of the vehicle. Such incidents include manufacturer issued updates and recalls, dealer

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scheduled service, accidents and repairs, insurance claims, satisfaction of liens, involvement in criminal activity, transfer of ownership, etc. The owner would be responsible, along with vehicle's other co-interested parties such as insurance, finance, law enforcement agencies, etc. for accessing and updating the vehicle's record. This could be a free or fee for service. It could be offered for a specific time period (e.g. duration that auto is under warranty or service contract) or offered indefinitely to a purchaser as a free service or for some consideration from the purchaser/owner. The vehicle registry service could be transferable or non-transferable (e.g. to a subsequent owner) depending on the interests of the registry service provider”.

DeWolf further discloses that owners of a vehicle can have an owner identifying card and that the owners may be provided a variety of benefits while the user is an identified owner of the vehicle:

“[0115] In one embodiment, owners of the vehicle could be entered to maintain the vehicle record or to use certain maintenance/repair facilities that had access to and would update the vehicle record. For example, the owners may be offered a credit, discounts, reward points, etc. In another embodiment, if the owner used a particular credit card (i.e., issued by Ford or GM) the update of the vehicle record could be automatic”.

DeWolf further discloses that the user can be identified with cards:

“[Claim] 33. The method of claim 32, wherein the transaction may involve credit cards, debit cards, or other consumer credit systems.

[Claim] 34. The method of claim 32, wherein the transaction may involve new or future methods such as though that may rely on digital wallets, smart cards or other

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embedded technologies”.

DeWolf discloses that an asset record of what the user owns can be maintained at time of transaction via a smart card:

“[0109] In one embodiment, the vehicle asset record is transferred from the manufacturer or dealer to the buyer or other party. The transfer of the asset record can be done in numerous ways. In one embodiment, the asset record is transferred via a digital medium, such as, floppy disk, zip disk, tape drive, CD, DVD, smart card, etc. In a preferred embodiment, the asset record is transferred over a computer network, such as the Internet. Using the Internet allows the manufacturer or dealer to make the vehicle asset record available to customers or other interested parties even if they are remotely located”.

DeWolf further discloses targeting users based on user activity (0006, 0043).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that DeWolf's providing the user with benefits related to purchasing such as discounts and credits to the user while the user demonstrates ownership of an asset, such as an automobile, and utilization of identifying cards can be added to Kanter's user identifying cards and providing benefits such as rebates related to purchasing of items, which can be an automobile, such that the user now owns the item. One would have been motivated to do this in order to better track and target a user and in order to better incite certain actions in a user(s).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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a) Scultz (2002/0161642) discloses tracking user purchases including car purchases and entering the user in a loyalty program:

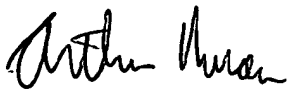
“[0019] The consumer data 70 included in the information database 30 may be accessed via a consumer identifier 60. The consumer identifier 60 enables equipment 20 to access the consumer data 70 in the information database 30. Consumer's data 70 includes consumer identifier 60, name, address, phone number, preferred customer program or loyalty card program information and demographic information. Preferred customer program or loyalty card program information may include the consumer's purchasing history and any other information typically included in these types of program databases. The demographic information may contain some or all of the following information about the consumer: age, sex, household income, pets (type and number), kids (number and ages), education, marital status, work status, hobbies, cars, home ownership status, place of birth. The demographic information that may be stored in information database 30 is not limited to this information. Any information that will enable central database 50 to determine the type of coupon to be distributed could be contained in information database 30. If store 10 does not have an information database 30 or loyalty card program, this database 30 can be created by central database 50”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran
Patent Examiner
10/20/2005